



Association of Public-Safety Communications Officials-International
International Association of Chiefs of Police
International Association of Fire Chiefs
Major Cities Chiefs Association
Major County Sheriffs' Association
National Sheriffs' Association

January 12, 2006

Catherine W. Seidel, Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: 800 MHz Rebanding, WT Docket 02-55

Dear Ms. Seidel:

We are writing to express our grave concern regarding the status of the 800 MHz rebanding process established in the above-reference proceeding. The Commission, the 800 MHz Transition Administrator (TA), Sprint Nextel, service and equipment vendors, and licensees must take immediate steps to resolve current problems and move forward in the rebanding process. Rebanding must proceed as quickly as possible to eliminate the potential for life-threatening interference. However, public safety agencies must also have the funding and time needed to plan for rebanding in a manner that will not disrupt critical emergency communications systems or impose costs on state and local governments.

Our organizations have participated throughout this proceeding as the principal representatives of the law enforcement, fire service, EMS, and other first responders whose 800 MHz radios communication systems face potentially deadly interference from CMRS licensees in the band. We helped to forge the "consensus plan" that provided the basis for the Commission's initial order in this proceeding, and we continue to work closely with all interested parties to facilitate implementation of rebanding.

Unfortunately, the rebanding process has not proceeded as expected. In particular, public safety agencies have been frustrated in their efforts to obtain agreements with Sprint Nextel to pay for reconfiguration planning. Many public safety systems involve extremely complex system designs, multiple user agencies, and critical interoperability plans. Properly managed reconfiguration planning is needed for these systems to ensure seamless rebanding without disruption to vital public safety communications or loss of interoperability. In many cases, detailed equipment inventories and

frequency analyses are also needed. Finally, detailed band reconfiguration agreements must be negotiated, requiring technical and legal resources. For many agencies, much of this planning will be conducted by contractors and consultants.

Most Public safety agencies are unable to pay for reconfiguration planning in advance, even with an “expectation” of future reimbursement. Therefore, the TA developed a procedure for licensees to obtain advance funding from Sprint Nextel for planning and negotiation expenses. Unfortunately, the process requires a “Request for Planning Funding Agreement” to be negotiated with Sprint Nextel prior to its submission to the TA for approval. Such agreements must contain estimates of the expected planning expenses, with a “true-up” process to account for actual costs once planning is completed. We understand that, to date, only two such agreements have been approved. We also understand that a number of planning agreements are in mediation, and that a significant number of unresolved reconfiguration agreements from the first phase of Wave 1 are likely to require Commission resolution after January 31. This threatens to stall the entire rebanding process. Public safety agencies are also becoming frustrated and some are losing faith in a process that was intended to serve their critical needs.

We have heard many reasons why the Request for Planning Funding process has stalled, including

- the lack of timely responses from Sprint Nextel to Requests for Planning Funding;
- the lack of clear guidance from the TA or established precedents to follow;
- a reconfiguration schedule that “front-loaded” heavily populated areas into the first wave;
- significant disputes between major vendors and Sprint Nextel regarding the cost and detail of proposed planning services;
- demands from Sprint Nextel that licensees provide extraordinarily detailed cost estimates, despite the estimates being “not-to-exceed” numbers with a “true-up” process;
- an apparent “disconnect” between Sprint Nextel and the TA regarding what is required or permitted in the Request for Planning Agreement;
- TA forms and procedures that have changed mid-stream;
- vendors who combined reconfiguration tasks into planning estimates or otherwise overestimated costs;
- an apparent lack of understanding by Sprint Nextel of the complexity of public safety systems and the need for detailed and properly managed planning for band reconfiguration;
- an apparent lack of personnel resources devoted by Sprint Nextel to the process;
- the inability of the TA to track negotiations; and
- insufficient knowledge of the process by public safety agency personnel.

Some of these problems began to arise last summer. We responded with a series of formal and informal meetings with the TA and Sprint Nextel to identify concerns and urge rapid resolution. For example, in August, at the APCO Annual Conference, a large group of public safety agency representatives met with the TA to express concerns regarding their experiences with the planning funding process. On October 11, representatives of the above-named organizations met with Sprint Nextel executives, and a public safety/TA/Sprint Nextel meeting was held at the TA’s offices on

October 31. We also sent a letter to Sprint Nextel and the TA on November 14, with a copy to you, stating that “too many agencies are concerned that they are not receiving substantive responses from Sprint-Nextel to their Requests, or that their proposals have been rejected ‘out of hand’ with no real negotiation.”

We continue to press for solutions. However, we believe that the Commission must be proactive in addressing these issues. The TA may also need to be a more active participant in order to drive the process forward. We cannot afford to allow this critical rebanding process to stall or for public safety agencies to be forced into unreasonable or unsafe band reconfiguration agreements.

Respectfully,

Gregory S. Ballentine, President
Association of Public-Safety
Communications Officials-International
351 N. Williamson Blvd.
Daytona Beach, FL 32114

Chief Mary Ann Viverette, President
International Association of Chiefs of Police
515 N. Washington St.
Alexandria, VA 22314

Sheriff Ted Sexton, President
National Sheriffs’ Association
1450 Duke Street
Alexandria, VA 22314

Chief Bill Killen, President
International Association of Fire Chiefs
4025 Fair Ridge Drive
Fairfax, VA 22033

Chief Harold L. Hurtt, President
Major Cities Chiefs Association
c/o Houston Police Department
1200 Travis
Houston, TX 77002

Sheriff James A. Karnes, President
Major County Sheriffs’ Association
c/o Franklin County Office of the Sheriff
369 South High Street
Columbus, OH 43215

cc: Mr. Robert S. Foosaner, Sr. Vice President, Sprint Nextel
Mr. Brett Haan, Program Manager, 800 MHz Transition Administrator

For Further Information Please Contact:

APCO..... Robert Gurss..... (202) 833-2700 gurssr@apco911.org
IAFC Alan Caldwell..... (703) 273-0911 acaldwell@iafc.org
IACP, MCC, NSA, MCSA Harlin McEwen (607) 257-1522 chiefhrm@pubsaf.com